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Lambda Letters Project

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Vol. 4, No. 10 October, 1996 www.humboldt1.com/~mamurphy/lambdaletters LambdaLP@aol.com (916) 965-6851

President Signs DOMA

Early on the morning of September 21st President Clinton signed the so-called Defense of Marriage Act (DOMA). This bill establishes a federal definition of marriage as being a union between one man and one woman. It also allows states to refuse recognition of any same-sex marriage that occurs legally in another state. In addition, it states that legally married same-sex couples will not be eligible for federal benefits such as survivor benefits under Social Security, Medicare, etc. The bill also prohibits such couples from submitting joint federal tax returns. It is widely reported that Clinton felt safe in signing the bill because doing so satisfies more conservative and moderate voters and because he expects most gays and lesbians to vote for him anyway.

DOMA passed the U.S. House of Representatives on July 12, 1996. We reported how California representatives voted in our August newsletter. The bill passed the U.S. Senate on September 10th. Both Senators Feinstein and Boxer voted against the bill. Thirty-one Democratic senators voted for the bill while fourteen Democrats voted against it. All fifty-four Republican senators voted for DOMA.

DOMA does not actually prohibit the recognition of same-sex marriage in any state. To accom-

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Outword Becomes Major LLP Benefactor

On August 27th *Outword* newsmagazine hosted a benefit screening of the new movie *Stonewall* at Sacramento's Landmark Tower Theatre. Lambda Letters was the beneficiary of this event, which raised $800! The Tower Theatre donated one of its theaters for the event and Strand Releasing, producers and distributors of the film, waived its usual fee for showing the film.

Kevin Cohee first suggested the idea of a benefit for Lambda Letters to the publisher and staff of *Outword*. Fred Palmer, publisher, and Eric Mathias, editor, accepted the idea with great enthusiasm. They then persuaded the Tower Theatre and Strand Releasing to forgo their usual charges for showing the film. The *Outword* staff advertised the event widely and managed the whole affair on the night of the event. As a result of their efforts, there was a sold-out and very enthusiastic audience for the showing of the film.

We all owe a great debt of gratitude to the good people at *Outword* newsmagazine.

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Lambda Letters Progress Report

Letters Collected

August, 1996	2,718 letters
In all of 1996	39,897 letters

Dollars Spent

August, 1996	$1,541
In all of 1996	$13,729

Can You Help?

Please support the very important work of the Lambda Letters Project with your contributions.

The Lambda Letters Newsletter is published monthly except in December by the Lambda Letters Project Inc.,
6212 Silverton Way, Carmichael, CA 95608.
Postmaster: send address changes to the address above.

Lambda Letters Project

Statement of Purpose

To promote people of color, feminist, lesbian, gay, bisexual, transgender, and HIV/AIDS status advocacy, and to bring people of color, women, lesbians, gays, bisexuals, transgendered persons, and persons affected by or living with HIV/AIDS into full participation in the mainstream of American society now, exercising all the privileges and responsibilities thereof.

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Confidentiality

The Lambda Letters Project does not sell or loan its mailing list to anyone. We give no information about who is, or is not, a member of the Project. We do, occasionally, send mailings on behalf of other worthwhile organizations, but this is done by our own volunteers so that no other organization has the opportunity to copy our mailing lists.

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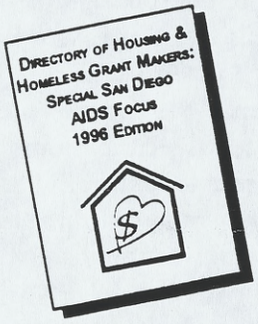

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Women's Issue

Supporting the Family Violence Amendment

Earlier this year, Representative Royal-Allard (D-CA) mobilized bipartisan support for the addition of the Family Violence Amendment to the new welfare reform law. This amendment gives states the option to adopt a system of waivers designed to relax the new welfare requirements for those recipients who are victims of abuse. The highly recognized study on this topic—the Taylor Institute Study—reports that 50-60 percent of welfare recipients are former domestic violence victims.

According to Welfare-to-Work programs around the country, domestic violence is one of the most difficult barriers they have to overcome in assisting clients in moving into the labor market.

Batterers often sabotage their partner's efforts to complete employment training programs or maintain employment as a means to keep their partners economically dependent on them. According to the Taylor Institute Study, they do this by turning off alarm clocks so clients miss work; beating them in visible places so that they are embarrassed to go to work; coming to the place of employment and making threats; and making frequent harassing telephone calls at work.

The advocacy organization California Alliance Against Domestic Violence has just produced a study which outlines several recommendations for implementing the new welfare law in California:

- Screen recipients of assistance for a history of domestic violence and refer them to supportive services
- Assess individual needs and tailor program requirements appropriately

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HIV/AIDS Issue

State Office Asks for Social Security Info

Recently, the State Office of AIDS recommended that administrators of the AIDS Drug Assistance Program (ADAP) supply clients' social security numbers in order to minimize unintentional "double-billing" for services. Double-billing has been discovered in some cases when bills have been sent to both ADAP and Medi-Cal. While their intentions may be good, there are solid alternatives to the use of social security numbers if the Office of AIDS really seeks to reform its operations. One simple mechanism would be for the state to audit county procedures to prevent double-billing.

Reporting of social security numbers to the state would not only have the same detrimental effect as the reporting of names, but it violates the constitutional right to privacy. This privacy provision has been interpreted by a California appellate court to specifically prohibit improper disclosure of an individual's HIV status, even if the information has been properly obtained. Thus if the local ADAP program legally obtains social security numbers for their clients, it is illegal for them to disclose this information to a third party, such as the state, without the clients' informed consent. Names reporting has long been acknowledged as having a negative effect on both primary and secondary prevention efforts. Indeed, individuals who fear discrimination or stigmatization if their names are reported to the state may avoid accessing ADAP drug treatment or being tested for the virus altogether.

Please sign the enclosed letter to S. Kimberly Belshe, director of the Department of Health Services, opposing the reporting of social security numbers in the name of accounting efficiency.

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Gay/Lesbian/Bisexual/Transgender Issue

"Ellen" to Come Out Totally or Partially?

The Walt Disney Company and Ellen DeGeneres are rumored (in September 28th issue of *TV Guide*) to be preparing to take a bold step in the history of television. DeGeneres' title character in the ABC sitcom "Ellen" may be planning to come out of the closet as a lesbian over the first nine episodes of the new season. If the show follows through with its plans, it will become the first network sitcom in the history of television to have a lead character that is openly lesbian or gay.

Of course, news of this has resulted in a barrage of negative comments and letters from radical religious groups. Neither Touchstone Television (the producers of the show) nor DeGeneres have confirmed the show's intentions, choosing to leave the story at the rumor stage. *TV Guide* stated that some insiders think the revelation may "have been leaked as a means of assessing the public's—and the advertising community's—acceptance of a lesbian lead character." However, Ellen DeGeneres' manager was quoted as saying, "Ellen is trying to break new ground and do something that has not been done before on television."

Some people wish Ellen would actually come out as bisexual, since her character has had boyfriends in previous episodes. Whichever orientation they choose, millions of viewers will get to know a non-straight person on TV. The Disney Company needs our support and encouragement to follow through with their plans for the Ellen character. Please write to Dean Valentine at the address on the enclosed sample letter and let him know you fully support their plans for Ellen to come out of the closet.

People of Color Issue

Opposing CCRI

Write the editor of the newspaper shown in the enclosed sample letter asking the paper to editorialize against the so-called California Civil Rights Initiative (CCRI), also known as Proposition 209. Also ask them to print your letters so that others in your county may know why they should vote against Prop. 209. You can simply sign the enclosed sample letter or compose your own. Frankly, original letters are more persuasive, and they won't print letters that duplicate ones they have already published. In any case, please return the letters to us for counting and delivery.

Prop. 209 affects state and local government in California, as well as California public schools, colleges, and universities. It prohibits them from discriminating against, or giving preferential treatment to, any individual or group in public employment, education, or public contracting. However, the real purpose of the initiative is to eliminate all affirmative action programs. Professor David Oppenheimer, Professor of Law at Golden Gate University, predicts that Prop. 209 could eliminate the following good programs:

- Counseling and recruitment programs to assist minority youth in applying for college
- Outreach and recruitment programs to minorities and women to counteract discrimination in government employment and contracting
- Magnet schools designed to desegregate school districts
- Women's centers, g/l/b/t centers, and centers for other ethnic groups on state college or university campuses; also women's and ethnic studies programs and classes

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LLP Legislative Scorecard Available

Are you having trouble deciding whom to vote for in the races for State Assembly or State Senate in your district? Then you will find the new Lambda Letters California State Scorecard very helpful in making your decision.

The scorecard has been prepared by the staff of the Lambda Letters Project, primarily Catherine Borger, chair and women's legislative analyst. It reports how each senator voted on ten key votes in the State Senate and how each assemblymember voted on ten key votes in the State Assembly. The scorecard also describes the intent of each of the bills being voted on and the position (support or oppose) taken by Lambda Letters on each of them. Finally, the scorecard assigns a percentage rating to the voting record of each legislator.

Fourteen assemblymembers and seven senators received a 0-percent grade, while seventeen assemblymembers and nine state senators received the best possible grade, 100 percent. The Assembly got an overall rating of 51 percent while the Senate got a slightly better rating of 59 percent.

Find out how your state senator and assemblymember voted on the bills that were critical to our communities. Send for your copy of the report card today. Please enclose two dollars with your request to cover the cost of copying and mailing. You may use the following order form to request your copy.

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President Signs DOMA

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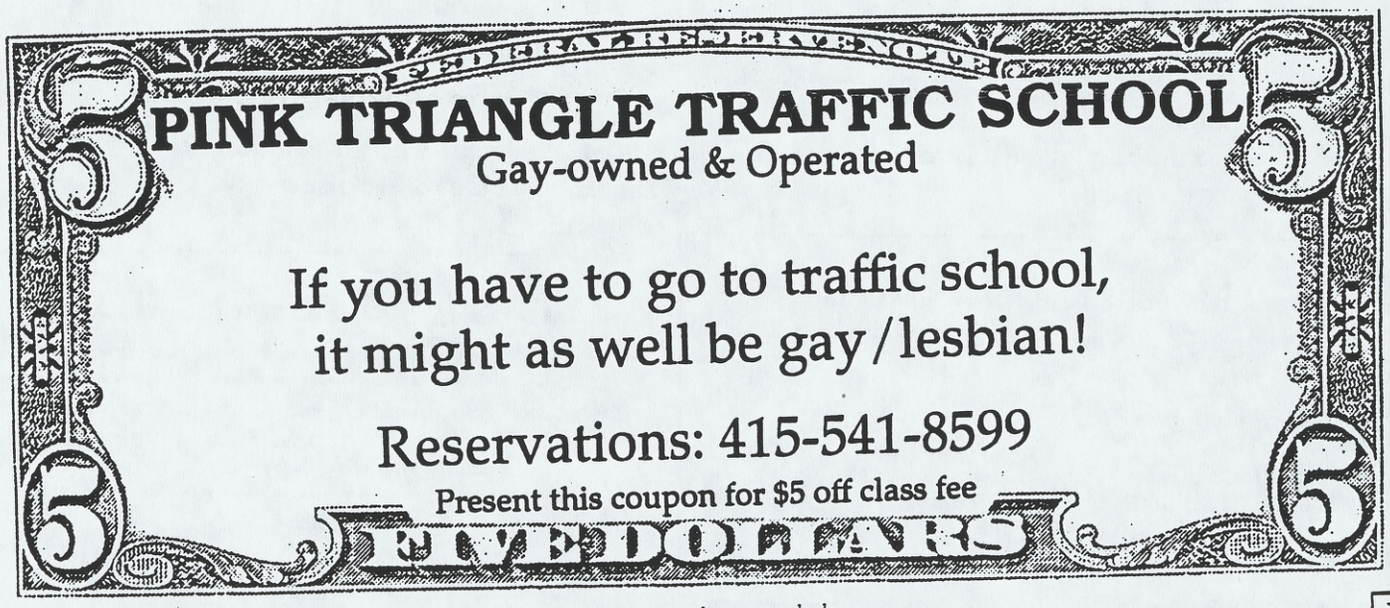
plish that, each state must pass legislation stating that it will not recognize same-sex marriages even if they occurred legally in another state. Because of an ongoing court case, same-sex marriage may well be legal in Hawaii by late 1997. Three bills to ban the recognition of same-sex marriage were introduced in the California legislature during the 1995-96 session. However, all of them were defeated. Lambda Letters played a major role in the defeat of the bills by delivering over 7,000 letters in opposition to them.

Several other states have passed legislation banning the recognition of same-sex marriage. However, in spite of DOMA, their constitutionality is in question. Article 4 of the U.S. Constitution says, "Full faith and credit shall be given in each state to the public acts, records and judicial proceedings of every other state." This article can only be changed by an amendment to the U.S. Constitution. Mere legislation, such as DOMA, cannot change it. Accepting the registration of a couple to marry is certainly a public act. So, if Hawaii allows same-sex couples to marry, the states might be forced by the courts to recognize those marriages in spite of DOMA or any legislation passed by the state legislatures. Judges do have their biases, of course, and you can never be sure how they will rule. However, there is still (considerable?) room for hope.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ENDA Narrowly Misses Passage in Senate

September 10th was a momentous day for the lesbian, gay, bisexual, and transgendered communities. On that day a lower court in Hawaii began rehearing a case in which lesbian and gay couples were challenging Hawaii's right to ban same-sex marriage. The case had been sent back to that court by the state's supreme court under circumstances that make it likely that the Hawaii ban will eventually be struck down.

On that same day, the U.S. Senate approved the Defense of Marriage Act and defeated the Employment Non-Discrimination Act (ENDA). ENDA would have banned employment discrimination based on sexual orientation, nationwide. Senators Boxer and Feinstein voted for the bill. Forty-one Democrats voted for ENDA while seven voted against it. Eight Republicans voted for ENDA, but forty-three voted against it. Senator Pryor (D–AK) was absent and did not vote on the bill. He later said he probably would have voted for the bill; however, his son was having surgery that day for cancer and the senator had to be at the hospital.

Was this just an unfortunate coincidence? If Senator Pryor had voted for the bill the vote would have been a tie, which only could have been broken by a vote from Vice President Gore. In the absence of a tie, however, Mr. Gore was not permitted to vote. News reports indicate that Gore and President Clinton lobbied vigorously in support of the bill. Thus, the vice president, if given the chance, probably would have cast the deciding vote in favor of the bill. The result was disappointing, but frankly many people are astonished that the vote was so close. The fact that the Senate *almost* passed the Employment Non-Discrimination Act is a very good sign.

Please Vote for Proposition 215

Proposition 215, the Medical Use of Marijuana Initiative, would allow patients or defined caregivers to cultivate or posses limited amounts of marijuana for medical treatment recommended by a physician. The proposition declares that it does not allow conduct that endangers others or condones the diversion of marijuana for nonmedical purposes.

People with cancer and HIV/AIDS often have serious problems with loss of appetite, nausea, and vomiting. As a result they often become undernourished, which reduces their ability to fight their disease. There are currently legal medicines to combat these symptoms; however, they all involve medicines which must be swallowed. Patients usually can't keep these medicines down, so they are of little use in combatting nausea and other symptoms.

Marijuana is smoked instead of swallowed. Thus it can work. Many people with cancer and AIDS/HIV find that smoking marijuana reduces their nausea and vomiting and improves there appetite. They can eat more and gain the strength needed to fight the disease.

California's legislators have seen the wisdom of allowing the medical use of marijuana. In 1994, and again in 1995, they passed legislation allowing it. However, Governor Wilson vetoed both bills. Proposition 215 is supported by many groups, including the California Academy of Family Physicians, the California Nurses Association, the American Federation of Nurses, the National Multiple Sclerosis Society of Northern California, and the San Francisco Medical Society.

Help people who are suffering with AIDS, cancer, and other dread diseases. Vote for Proposition 215.

Silence is the virtue of fools.
— Francis Bacon (1561-1626)

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Family Violence Amendment

Continued from page 4

- Allow waivers of program requirements including work requirements, lifetime limits, residency requirements, family caps, food stamp limits, Medicaid limits, and prohibitions to persons convicted of drug offenses
- Provide assistance to immigrant battered women
- Allow battered teenage recipients to live outside of their parents' home when necessary to ensure their safety

Counties across California are now in the process of designing the implementation process for the new reforms. Full of ambiguous language and contradictions, this new law does not prescribe any process for implementation, leaving counties scrambling to carry out the requirements.

As of this writing, there was still no clear leader in this process of program design. The responsibility seems to be haphazardly shared between the State Department of Social Services and the state legislature. Therefore this month's letter is addressed to Governor Pete Wilson. It urges him to ensure the adoption of the Family Violence Amendment in California welfare reform. Please sign this letter and support the efforts of those fighting for protection of low-income battered women and their children. Let's ensure that they won't get left out in the cold—literally.

Opposing CCRI

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Professor Oppenheimer also notes that Clause C of the Proposition would amend the California Constitution to legalize discrimination against women in state employment, contracting, and education when "reasonably necessary."

Affirmative action is still very necessary. For example, Stanford University's business school finds their male graduates are eight times more likely than female graduates to become chief executive officers. Women with college degrees generally earn little more than men with high school degrees. Women own over 500,000 businesses in California, yet less than six percent of all state contracts are awarded to women-owned firms.

According to the U.S. Census Bureau, the average income of Latino families is 60 percent of that of white families. That can't be explained simply by educational differences. In fact, the disparity in income increases with education. Latino high school dropouts earn 63 percent of what Anglo dropouts earn. Latino professionals earn only 53 percent of their Anglo counterparts. Latinos aren't getting access to the better paying jobs.

Affirmative action programs have done much to improve the situation, but sadly the gains made by women and minorities slip away when affirmative action is abandoned. For example, by the end of the 1970s, when affirmative action was vigorously enforced by the federal government, the average African American college graduate, working year-round and full-time, made 81 percent of his white male counterpart's salary. By the end of the Reagan–Bush years, the African American college graduate was earning only 74 percent of the salary of white male graduates.

We still need affirmative action. Please oppose Proposition 209.

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